

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GREGORY AND KATHY MARSHALL,)
5638 Namoi Drive)
Milford, Ohio 45150)
Plaintiffs,) Case No.: 1:12-cv-43
)
v.) JURY DEMAND REQUESTED
)
REGIONAL ADJUSTMENT BUREAU, INC.)
1900 Charles Bryan, Suite 110)
Memphis, TN 38016)
Defendant.) VERIFIED CIVIL COMPLAINT
) (Unlawful Debt Collection Practices)

VERIFIED COMPLAINT

PLAINTIFF GREGORY AND KATHY MARSHALL (Plaintiffs), by their attorneys, KAHN AND ASSOCIATES, L.L.C., allege the following against DEFENDANT REGIONAL ADJUSTMENT BUREAU (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Milford, Hamilton County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a "consumer" as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Memphis, Tennessee.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant places excessive and continuous calls to the Plaintiffs in an attempt to collect an allegedly owed debt.
11. Defendant called Plaintiffs four to five times every week.
12. Defendant placed collection calls to Plaintiff Gregory Marshall on a cell phone he used for his employment and at his place of employment.
13. Plaintiffs' received collection calls at their home phone number: (513) 248-2675.

14. Plaintiff Gregory Marshall informed Defendant that the cell phone was used for his employment and that it was calling at his place of employment and that Defendant should stop calling that number.

15. In spite of being informed it was calling a work number and despite the fact that it had another number for Plaintiff, Defendant continued to call the Plaintiff at his place of employment number.

16. Plaintiff received collection calls on his work cell phone number: (513) 284-1194.

17. Defendant calls Plaintiffs from telephone number: (866) 536-5191.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.
- c. Defendant violated §1692(c)(a)(3) of the FDCPA by contacting the Plaintiff at the place of employment when Defendant knew or had reason to know Plaintiff is prohibited from receiving such calls at the place of employment.

WHEREFORE, Plaintiffs, GREGORY AND KATHY MARSHALL, respectfully request judgment be entered against Defendant, REGIONAL ADJUSTMENT BUREAU for the following:

19. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
21. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiffs, GREGORY AND KATHY MARSHALL, request a jury trial in this case.

RESPECTFULLY SUBMITTED,
KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville
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